

UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
08/401,22	9 03/09/	95 TANG	W	50169/105/EN
				EXAMINER
		E5M1/0909	LEL,	
FOLEY &				A
	TREET NW		ART UNIT	PAPER NUMBER
SUITE 50 WASHINGTO		07-5109	250	01
			DATE MAILED:	00,000,000
This is a communication from the COMMISSIONER OF PATENTS A		our application.		09/09/96
☐ This application has been e	xamined.	Responsive to communication filed on Au	gust 13, 1996* [This action is made final.
		ion is set to expire THREE (3) mon cause the application to become abandoned.	()	ays from the date of this letter.
		RE PART OF THIS ACTION:	Datast Drawing DTO	0.49
 Notice of References Cited by Examiner, PTO-892. Notice of Art Cited by Applicant, PTO-1449. Notice of informal Patent Application, Form PTO-152. 				
	to Effect Drawing Cl			
Part II SUMMARY OF ACT	ION			
1. 🛛 Claim(s)		17 - 38		are pending in the application.
Of the above,				withdrawn from consideration.
2. 🛭 Claim(s)		1-16		have been canceled.
3. 🛭 Claim(s)		17 - 35		are allowed.
4. 🛛 Claim(s)		36 - 38		are rejected.
5. Claim(s)				are objected to.
6. Claim(s)			are subject to restrictio	n or election requirement.
7. This application has	s been filed with infor	mal drawing(s) under 37 C.F.R. 1.85 which are	acceptable for examin	nation purposes.
8. Formal drawing(s) a	are required in respor	nse to this Office action.		
9. The corrected or su	bstitute drawings ha	ve been received on	Under 37 C	C.F.R. 1.84 these drawings
are \square acceptable.	not acceptable (see explanation or Notice re Patent Drawing, P	TO-948).	
		eet(s) of drawings, filed oneet(s) eet(s) ee	has (have) been	approved by the
11. The proposed draw	ing correction(s), file	d on, has been 🗌 app	roved. 🔲 disapproved	d (see explanation).
		or priority under 35 USC 119. The certified copy no; filed o		
13. Since this application	on appears to be in co	ondition for allowance except for formal matters arte Quayle, 1935 C.D. 11; 453 O.G. 213.		
	•	filed pursuant to 37 CFR 1.129(a), the finality o	of the previous Office A	action is withdrawn.

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Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.129(a). Applicant's first submission after final filed on August 13, 1996, has been entered.

As indicated in the Advisory Action mailed on July 9, 1996 (paper no. 11), the amendments to the claims (now having been entered) result in the allowability of claims 17-30. Regarding claims 31-38, the latest amendments have substantially changed the scope of these claims as explained by the Examiner in the above identified Advisory Action, and they have been re-examined in light of the limitations now set forth therein. For reasons set forth below, claims 31-38 are also now deemed to recite patentable subject matter. The following rejection, however, is necessitated by applicant's latest amendments. This action is **not** made final.

Claims 36-38 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 18 of amended claim 36, the words "which is not" have been deleted after the word "substrate" without the required indication (37 CFR 1.121). This deletion results in a substantial change in meaning in the claim, in that

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it is part of the phrase which defines the orientation of the light source with respect to the substrate (the side of the substrate which is undergoing polishing versus the side which is not undergoing polishing). It is thus unclear what the intended orientation is, and the claim is accordingly indefinite. Claims 37 and 38 are included in the rejection since they depend from claim 36 and thus inherently contain the same deficiency.

Claims 17-35 are allowable over the prior art of record.

Claims 17-30 are allowable for reasons clearly developed during the earlier prosecution. Claims 31-35 are allowable because the prior art does not disclose or suggest a chemical mechanical polishing device having an electrical slipring, light source, photodetector, and analyzing means which are functionally and structurally arranged in the manner set forth in applicant's claim 31.

For the same reason, claims 36-38 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 4,711,516 to Graber shows (in Figure 1) an electrical slipring and photodetector assembly for use in a steering column of a vehicle.

Any inquiry concerning this communication should be directed to Examiner John D. Lee at telephone number (703) 308-4886.

JOHN D. LEE
PRIMARY PATENT EXAMINER
GROUP ART UNIT 251